

REMARKS

Prior to entry of this Amendment, claims 1-13, and 15-19 are pending in the application. Claims 1 and 8 are the independent claims under consideration.

Claims 1, 5-9, and 16-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,050,006 to Swindle ("Swindle"). Also, claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Swindle. Finally, claims 2, 10-13, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants thank Examiner Patterson for her time and courtesy extended during a telephonic interview on August 9, 2005, with Christopher W. Stamos and the undersigned attorney, and for the helpful suggestions with respect to claim amendments. In addition, Applicants note with appreciation the guidance provided by the Examiner in the Office Action. The following discussion is intended to constitute a proper recollection of the interview in accordance with M.P.E.P. §713.04, and also to provide a full response to the Office Action.

The discussion during the interview focused on independent claims 1 and 8, as well as on differences between the present invention and Swindle. Consistent with this discussion, Applicants have amended claims 1 and 8 and respectfully submit that Swindle, or any other reference of record, either alone or in proper combination, does not teach or suggest the inventions defined by the amended claims. No new matter has been introduced by these amendments, support being found throughout the specification, for example, in paragraphs [0042] and [0053].

In view of the above amendments and following remarks, reconsideration and withdrawal of all grounds of rejection and objection are respectfully requested.

1. Claims 1, 5-9, and 16-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Swindle. Applicants respectfully traverse this rejection.

Briefly, Swindle appears to disclose a shoe that, in one embodiment, includes an outer sole and a female receptacle having an opening. The receptacle is embedded within the outer sole and, preferably, affixed to the outer sole by a glue or other adhesive. A removable base includes a member shaped to pass through the opening in the receptacle. See Swindle, col. 1, line 66 to col. 2, line 7 and col. 4, lines 1-3, 35-36, and 65-67.

In order for a claim to be anticipated under 35 U.S.C. § 102(b), each and every limitation of the claim must be found in a single reference. Applicants respectfully submit that Swindle fails to meet this exacting standard with respect to amended independent claims 1 and 8 and any claim that depends either directly or indirectly therefrom.

Specifically, Applicants' claim 1 recites a method for manufacturing a sole that includes "***providing at least one receptacle***" and "***directly molding a sole body around the at least one receptacle***". Also, Applicants' claim 8, as amended, recites a sole that includes "***a bottom surface defining a stud base having a sidewall***" and a receptacle, where "***a configuration of at least a portion of the stud base sidewall [is] directly defined by an outer surface of the receptacle during molding of the sole body.***"

Applicants respectfully submit that Swindle fails to anticipate Applicants' method claims 1 and 5-7, as well as sole claims 8-9 and 16-19, at least because Swindle does not teach or suggest each of the above limitations. Specifically, in contrast to Applicants' claimed invention, Swindle discloses embedding the receptacle within the premanufactured outer sole and either affixing the receptacle to the sole by an adhesive or securing it between the sole and the rest of the shoe by a flange or other fastening mechanism, or by other techniques, such as welding or bonding. See Swindle, col. 3, lines 25-34 and col. 4, line 1-6. Thus, in Swindle, the sole is not fabricated by *directly molding a sole body around at least one receptacle*, as claimed by Applicants in independent method claim 1, as amended.

Similarly, turning to sole claim 8, as amended, Applicants respectfully submit that a configuration of any portion of the sidewall of the opening in Swindle's sole is not *directly defined by an outer surface of the receptacle during molding of the sole*. Just the opposite, in Swindle, the receptacle is contoured to conform to the contour of the premanufactured sole, and then embedded within the sole. See Swindle, col. 3, lines 25-34 and 65-67.

Accordingly, Applicants respectfully submit that independent claims 1 and 8, as amended, are allowable over Swindle. Because claims 5-7, 9, and 16-19 depend, either directly or indirectly, from independent claims 1 and 8, and include all of the limitations thereof, Applicants respectfully submit that these claims are allowable, as well. Reconsideration and withdrawal of the rejection of claims 1, 5-9, and 16-19 under 35 U.S.C. §102(b) based on Swindle are respectfully requested.

2. Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Swindle. Without acquiescing to the rejection of these claims, Applicants note that claims 3 and 4 depend directly from independent claim 1, as amended, and include all the limitations thereof. Therefore, Applicants submit that these claims are patentable for at least the reasons independent claim 1, as amended, is patentable.

3. Applicants appreciate the notification on page 4 of the Office action that a copy of the foreign priority document, specifically, German Application No. DE 1 024 8482.1, has not yet been received by the Patent Office. A certified copy of the priority document is submitted herewith.

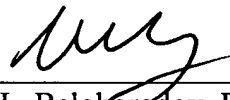
CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection and objection, and allowance of claims 1-13 and 15-19 in due course. If, in the Examiner's opinion, another telephonic interview would expedite the favorable prosecution of the present application, the undersigned attorney would welcome the opportunity to discuss any outstanding issues and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

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